



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ito et al.
Serial No. : 09/451,666

Art Unit : 1655
Examiner : Betty J. Forman, Ph.D.

Filed : November 30, 1999

Title : METHODS FOR PRODUCING BIOCHIPS (AMENDED)

Commissioner for Patents

P.O. Box 2327

Arlington, VA 22202

RCE RESPONSE AND AMENDMENT

Sir:

Responsive to the Advisory Action, mailed April 01, 2002, and in further response to the final Office Action mailed January 02, 2002, Applicants respectfully request entry of the amendments and consideration of the remarks set forth herein. The response was initially due April 02, 2002. Applicants herein submit a petition for a two month extension of time to June 03, 2002 (June 02, 2002 was a Sunday), under 37 C.F.R. §1.136, with the appropriate fee under 37 C.F.R. §1.17. Accordingly, this Response is timely filed.

This response is accompanied by a request for continued examination (RCE) under 37 C.F.R. §1.114. Thus, the finality of the outstanding final office action will be withdrawn and Applicants are entitled to have this first submission for this RCE entered and considered on the merits. The following documents are also enclosed herewith:

- Postcard
- Request for continued examination under 37 C.F.R. §1.114
- VERSION WITH MARKINGS TO SHOW CHANGES MADE

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202.

Date of Deposit June 3, 2002

Signature

Lauren Bisher
Typed or Printed Name of Person Signing Certificate

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AMENDMENT

Please amend the application as follows:

In the claims:

Please cancel claim 21, without prejudice.

Please amend the claims as follows:

24. (Amended) A method for producing a biochip comprising a plurality of spots comprising probes, the method comprising the following steps:

(a) providing a binding agent, wherein the binding agent is capable of immobilizing a probe to the biochip, and a probe;

(b) first spotting the binding agent to a plurality of positions on the biochip, wherein the binding agent is spotted with a pin or a tube and the binding agent is only provided on an area of the biochip where a probe is to be spotted; and

(c) after the spotting of the binding agent in step (b), spotting a plurality of probes onto the positions spotted in step (b), wherein the plurality of probes are spotted with a pin or a tube, thereby producing a biochip comprising a plurality of spots comprising probes in which the probe is present only at positions on the biochip where the binding agent has been spotted and the binding agent is not present on the biochip where there is no probe.

25. (Amended) A method for producing a biochip comprising a plurality of spots comprising probes, the method comprising the following steps:

(a) providing a mixture of a binding agent and a probe, wherein the binding agent is capable of immobilizing the probe to the biochip and the binding agent is not conjugated to the probe;

(b) providing a biochip surface; and

(c) spotting the mixture to a plurality of positions on the surface of the biochip, wherein the mixture is only spotted on an area of the biochip surface where a probe is desired to be immobilized, thereby producing a biochip comprising a plurality of spots comprising immobilized probes in which the binding agent and the probe are present only at the desired portions of the surface and are not present on unspotted portions.

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